

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of:)

Amendment of Section 73.202(b),)
Table of Allotments,)
FM Broadcast Stations.)
(Pleasanton, Kansas))

MM Docket No. 98-9
RM-9216

Amendment of Section 73.202(b),)
Table of Allotments,)
FM Broadcast Stations.)
(Topeka, Iola and Emporia, Kansas))

MM Docket No. 98-13
RM-9212

To: Chief, Allocations Branch
Mass Media Bureau

STATEMENT IN SUPPORT OF MOTION FOR DECISION

The City of Pleasanton, Kansas, ("Pleasanton") hereby submits the following statement in support of the September 18, 2000, "Motion for Decision" ("Motion") filed by Shawnee Broadcasting Corporation ("Shawnee") and the request contained in the Motion that the Chief, Allocations Branch (the "Chief") adopt and release a Report and Order, or two Reports and Orders if more appropriate, in the referenced proceedings at the earliest opportunity.

MM Docket No. 98-9: Pleasanton, Kansas

1. By petition dated December 16, 1997, Pleasanton petitioned the Commission to initiate a rulemaking proceeding to allot Channel 268C3 to Pleasanton, Kansas, as a first local aural transmission service. On January 21, 1998, the Chief adopted a "Notice of Proposed Rule Making" proposing the allotment of Channel 268C3 at

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Pleasanton.¹ In comments dated March 19, 1998, the City of Pleasanton affirmed its expression of interest in applying for and constructing a new FM broadcast station at Pleasanton, Kansas.

MM Docket No. 98-13: Topeka, Kansas

2. On December 29, 1997, Shawnee filed a “Petition for Rulemaking” requesting amendment of the FM Table of Allotments to, among other things, substitute Channel 257C3 for Channel 257A at Topeka, Kansas, and requesting modification of the license for KWIC(FM), Topeka, Kansas, to specify operation on Channel 257C3. On January 28, 1999, the Chief adopted a “Notice of Proposed Rule Making and Order to Show Cause” proposing the substitution of Channel 257C3 for Channel 257A at Topeka; the substitution of Channel 268A for Channel 257A at Iola; the substitution of Channel 241A for Channel 258A at Emporia, and the modification of the license for KWIC(FM) to specify operation on Channel 257C3. The Chief also ordered the licensees of KIKS-FM and KRWV(FM) to show cause why their licenses should not be modified to specify operation on Channels 268A and 241A, respectively.²

Mutual Exclusivity

3. MM Docket Nos. 98-9 and 98-13 are mutually exclusive proceedings, although not initially acknowledged by the Chief, because Section 73.207 of the Rules does not permit the simultaneous allotment of Channel 268C3 at Pleasanton, Kansas, and of Channel 268A at Iola, Kansas.

¹ *Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Pleasanton, Kansas) (MM Docket No. 98-9, RM-9216), DA 98-136, 13 FCC Rcd. 2153 (Released January 30, 1998).*

² *Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Topeka, Iola and Emporia, Kansas) (MM Docket No. 98-13, RM-9212), DA 98-179, 13 FCC Rcd. 2463 (Released February 6, 1998).*

Resolution of Mutual Exclusivity

4. In the “Reply Comments of Shawnee Broadcasting Corporation” dated April 3, 1998, and filed in MM Docket No. 98-9, Shawnee demonstrated, with appropriate technical support, that alternate non-mutually exclusive Class C3 and Class A Channels could be allotted at Pleasanton, Kansas, to eliminate mutual exclusivity. As of April 1998, either Channel 229C3, 229A, 233A or 253A could be allotted at Pleasanton. The Motion confirms that either of these four channels can still be allotted at Pleasanton, thereby permitting the substitution of Channel 268A at Iola, Kansas.

The City of Pleasanton Does Not Object

5. Pleasanton does not object to the allotment of any alternate channel at Pleasanton, in lieu of Channel 268C3. The allotment of an alternate channel at Pleasanton serves the public interest because it not only facilitates inauguration of a new first local aural service at Pleasanton, but also facilitates the improvement of existing FM stations.

The Proceedings are Ripe for Decision

6. MM Docket Nos. 98-9 and 98-13 have been ripe for decision since April 1998. Pleasanton supports Shawnee’s Motion and the request for prompt action. The proceedings can be promptly resolved by allotting any of four (4) alternate FM channels at Pleasanton and by upgrading KWIC as originally proposed by Shawnee.

7. After almost two and one-half years, the public interest is served by prompt and expeditious action herein. Further delay disserves the public interest by further postponing inauguration of a new first local aural service at Pleasanton.

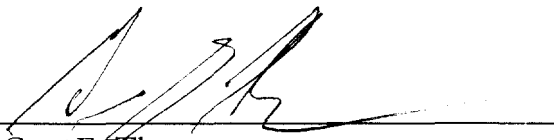
8. Pleasanton urges the Chief to grant Shawnee’s Motion and to adopt and release, at the earliest opportunity, appropriate orders (1) substituting Channel 257C3 for Channel 257A at Topeka, Kansas; (2) substituting Channel 268A for Channel 257A at Iola, Kansas;

(3) substituting Channel 241A for Channel 258A at Emporia, Kansas; (4) modifying the license for KWIC(FM), Topeka, Kansas, to specify operation on Channel 257C3; (5) modifying the license for KIKS-FM, Iola, Kansas, to specify operation on Channel 268A; (6) modifying the license for KRWV(FM), Emporia, Kansas to specify operation on Channel 241A; (7) adding either Channel 229C3, 229A, 233A or 253A at Pleasanton, Kansas, as a first aural transmission service, and (8) terminating MM Docket Nos. 98-9 and 98-13.

Respectfully submitted,

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CITY ATTORNEY
PLEASANTON, KANSAS

By: 
Gary E. Thompson

January 29, 2001

CERTIFICATE OF SERVICE

I, Gary E. Thompson, hereby certify that on January 29, 2001, I caused to be served by mail, First Class postage prepaid, a copy of the foregoing "Statement in Support of Motion for Decision" on the following persons:

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